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**1 — What The EPA's Repeal of the Clean Power Plan Means for Texas, Houston Press, 10/11/17**

<http://www.houstonpress.com/news/epas-repeal-of-clean-power-plan-loose-haze-rule-mean-less-regulation-in-texas-9864617>

Texas has long been known for bucking at anything that even smells like an environmental regulation, so it might be easy to think that the latest round of repealing and relaxing rules issued by the federal Environmental Protection Agency would not affect the state.

**2 — Temporary bans placed on fishing near site of busted cap, 10/4/17**

<https://www.click2houston.com/news/temporary-bans-placed-on-fishing-near-site-of-busted-cap>

For Jeremy Phillips, the senior director of infrastructure for Harris County Precinct 2, concern began to rise when news from the EPA emerged late last month. "We saw the stories where they had elevated levels of dioxins detected in some of the tests," he said.

**3 — Green Infrastructure: How Roof Gardens And Planting Trees Could Reduce Flooding, Houston Public Radio, 10/10/17**

<http://www.houstonpublicmedia.org/articles/news/2017/10/10/241614/green-infrastructure-how-roof-gardens-and-planting-trees-could-reduce-flooding/>

Green infrastructure describes features in buildings and landscaping that cleanse and capture rainwater onsite where it falls. Houston advocates for green infrastructure join Houston Matters to discuss how it can be used to reduce flooding.

**4 — ENVIRONMENTAL GROUPS WORRY ABOUT NEW EPA HAZE RULE, Texas Standard, 10/10/17**

<http://www.texasstandard.org/stories/categories/energy-environment/>

Environmental groups are worried the Environmental Protection Agency is giving Texas power plants a pass on pollution. The agency has decided that plants won't need to install new emissions controls to clean up haze over national parks. The Obama Administration had pushed for the controls.

**5 — Monticello Goes Under, More Coal and Nuclear Imperiled in Texas, Power Mag, 10/11/17**

<http://www.powermag.com/monticello-goes-under-more-coal-and-nuclear-imperiled-in-texas/>

A week after the Department of Energy (DOE) proposed a rule to bolster uneconomic coal and nuclear generators in competitive power markets, Luminant announced that an "unprecedented low power price environment" will force it to retire a 1.9-GW coal-fired power plant operating in the Texas market. The plant's economic woes suggest a larger swath of Texas baseload generators may face a similar fate.

**6 — Death of Clean Power Plan won't save San Antonio coal plant slated for closure, Biz Journal, 10/11/17**

<https://www.bizjournals.com/sanantonio/news/2017/10/11/death-of-clean-power-plan-wont-save-san-antonio.html>

The Trump administration's abolishment of the Clean Power Plan will not save a local coal-fired power plant slated for closure. The U.S. Environmental Protection Agency has terminated the Obama administration's Clean Power Plan, EPA

Administrator Scott Pruitt announced on Monday. Implemented in August 2015, the state-based plan had an ambitious goal of reducing U.S. carbon emissions by 32 percent by 2030.

**7 New Mexico utility continues plan to stop burning coal, AP, 10/10/17**

<http://www.sanluisobispo.com/news/business/article178037731.html>

New Mexico's largest utility says it will stop using coal as a power source in 2031, despite a move by the Trump administration to make it easier for coal-fired power plants to operate by repealing a federal policy to reduce carbon dioxide emissions.

**8 — Review 'Frontline' looks at whether 'War on the EPA' is a triumph or a tragedy, Los Angeles Times, 10/4/17**

<http://www.latimes.com/entertainment/tv/la-et-st-frontline-war-on-epa-review-20171011-story.html>

If you should care to spend an hour Wednesday night contemplating the fate of environmental regulation under the current presidential administration, the PBS series "Frontline" has a documentary for you, "War on the EPA." The title plays off right-wing slogans that imagine a government-waged "war on coal," or a "war on Christmas." ("My administration is putting an end to the war on coal," we see Donald Trump say.) But this war is real, and the evidence, advanced with pride or dread by each side, is here.

**9 — Recycle with the Razorbacks, Ark News, 10/11/17**

<http://www.arkansasrazorbacks.com/recycle-with-the-razorbacks/>

Razorback fans will be asked to help the University of Arkansas score big in the Environmental Protection Agency's (EPA) Game Day Challenge on Saturday, October 21 at Donald W. Reynolds Razorback Stadium. The Game Day Challenge is a friendly competition nearly 100 colleges and universities to promote waste reduction at their football games.

**10 — Tropical Depression 16 forms, expected to become hurricane in Gulf by Sunday, NHC says, Advocate, 10/4/17**

<http://www.wwltv.com/news/local/northshore/lake-watchdog-group-switches-position-on-wastewater-discharge-projects-1/482356715>

Dumping treated wastewater into the state's wetlands has not only been common in Louisiana, but actually promoted as a good thing. Now, one environmental agency is reversing its position on the practice.

**11 Mayors take stand against Burnet County rock crusher permit, Daily Trib, 10/10/2017**

<http://www.dailytrib.com/2017/10/10/mayors-take-stand-burnet-county-rock-crusher-air-quality-permit/>

The mayors of Cottonwood Shores and Marble Falls have jumped into the fray against plans for a rock crushing facility just off the southwest corner of the intersection of U.S. 281 and Texas 71 in Burnet County.

**12 Local org advocates for a greener campus, Daily Lobo, 10/11/17**

<http://www.dailylobo.com/article/2017/10/environment-nm>

Environment New Mexico unveiled their 10-point plan that aims to assist colleges and universities with the transition to using 100 percent renewable energy on Tuesday at a press conference at the University of New Mexico. "Our message today is clear: colleges and universities across the country are situated to lead the charge in transitioning to a 100 percent clean, renewable energy future," said Sanders Moore, the state director of Environment New Mexico Research and Policy Center.

**13 Venting regulations could strain small oil and gas producers, Current-Argus, 10/10/17**

<http://www.currentargus.com/story/news/local/2017/10/10/venting-regulations-could-strain-small-oil-and-gas-producers/751624001/>

New regulations aimed at reducing the venting and flaring of natural gas produced during extraction activities on federal land go into effect in January, and some are worried it could damage Eddy County's oil and gas industry. Enacted by Bureau of Land Management under former President Barrack Obama's administration last year, the BLM's waste management regulations would require oil and gas producers to incur the costs, and build the infrastructure needed to capture and monitor the gas, rather than burn it off or release it into the atmosphere.

**14 State, Osage Nation at odds, Examiner, 10/11/17**

<http://www.examiner-enterprise.com/news/20171011/state-osage-nation-at-odds>

Oklahoma may have another water rights dispute on its hands. Last month, the Osage Nation Environmental and Natural Resources Department issued its first water well permit to Osage Skiatook Casino, which is located on federal trust land of the Osage Nation.

# What the EPA's Repeal of the Clean Power Plan Means for Texas

BY DIANNA WRAY

WEDNESDAY, OCTOBER 11, 2017 AT 6 A



People living in Houston and across Texas are used to residing alongside pollution.

*Photo by Daniel Kram*

A A

**Texas has long been known for bucking at anything that even smells like an environmental regulation, so it might be easy to think that the latest round of repealing and relaxing rules issued by the federal Environmental Protection Agency would not affect the state.**

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On Monday night EPA Administrator Scott Pruitt – the former Oklahoma attorney general who had a fondness for suing the EPA that was downright Texan – announced he would repeal the Clean Power Plan, a crucial policy written by the Obama administration to cut back on greenhouse gas emissions from power plants in Texas and across the country. The Clean Power Plan, completed in 2015, would have pushed states to move away from coal in favor of energy sources that produced fewer carbon emissions.

Pruitt's announcement has disappointed environmentalists, while industry leaders, particularly those in the coal business, have been over the moon.

The plan has been contentious from the beginning. Texas, along with 26 other states and hundreds of private entities, sued the EPA within days of the regulations being unveiled in 2015, arguing that the federal agency had overstepped its authority with the ambitious new regulations.

The U.S. Supreme Court stepped in and issued a stay on implementing the regulations pending review by the federal courts, but instead of waiting on a decision from the courts, Pruitt made clear on Monday night that the EPA is going to start untangling the complex web of rules the agency created to put the Clean Power Plan into action in the first place.

"The war on coal is over," Pruitt said that evening from Hazard, Kentucky. "Tomorrow in Washington D.C., I will be signing a proposed rule to roll back the Clean Power Plan."

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and Water, New Lawsuit Says

gutting just about anything that was cooked up during the Obama administration, with a particular focus on the environmental regulations created in an effort to combat global warming. But at the same time, it's troubling for those who have been pushing for years to get the United States on a path toward being less environmentally devastating.

Killing the Clean Power Plan makes it increasingly unlikely that the United States will be able to fulfill its obligations to the 2016 Paris Climate Agreement to cut back on emissions that are helping to warm the planet and increase sea levels. A leaked draft of the repeal proposal claims the country could save more than \$30 billion by not complying with the rules, while dismissing the health problems that studies indicate are caused by carbon emissions.

The impact on Texas is a bit more nuanced than that.

If the Clean Power Plan had gone into effect as it was envisioned by EPA regulators, it would have required states to lower carbon emissions by 2030 to one third of the 2005 emission levels. This would have been difficult across the board, but it would be particularly challenging in Texas. Why? Well, because 18 percent of the emissions reductions nationwide would have to come directly from the Lone Star State. Texas is both the top consumer of electricity and holds the dubious honor of leading the nation in the sheer amount of carbon emissions.

The thing is, while Texas still uses a large amount of coal, we've been moving away from coal in favor of natural gas in recent years, due to the glut of natural gas unlocked from shale plays across the state, making it a cheaper fuel source. Even though Texas officials never had any intention of going along with the Clean Power Plan – they never even came up with a plan of their own to comply with its rules – Texas actually has been reducing emissions levels simply because of the changes in industry forces that have made coal less sexy, compared to cheap natural gas and the rapid growth of wind and solar energy markets.

## UPCOMING EVENTS

But the repeal is still a blow, environmentalists say.

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and we need every tool in the toolbox to tackle that," Luke Metzger, head of Environment Texas, says. "The Clean Power Plan was the best tool, the most crucial rule implemented so far to help reduce carbon emissions. It's definitely a step backwards."

**"For Texas and other states not taking climate policy seriously on their own, the bottom line is that the Clean Power Plan would have been a backstop," Cohan said.**

Ultimately, this means Texas won't be directly affected by the plan's repeal. But the impact could be felt down the road, if the market changes and natural gas becomes more expensive, or renewable sources such as solar and wind stop getting the tax breaks that have helped those industries gain an unexpected amount of traction in Texas.

"For Texas and other states not taking climate policy seriously on their own, the bottom line is that the Clean Power Plan would have been a backstop," Daniel Cohan, a civil and environmental engineering professor at Rice University, says. "If the situation had changed, the Clean Power Plan would have kept states like Texas and West Virginia from having a major swing back to coal. It would have forced us to keep our emissions down."

*advertisement*

Meanwhile, the Clean Power Plan has been getting all the attention, but a new haze rule (drastically revised from the one vetted last December to give power plants so much leeway it's like there's no rule at all) issued by the EPA should have people in Texas concerned, because the rule would only have mattered to Texas. "The Clean Power Plan was tied up in courts and wouldn't have gone into affect until 2030, but the haze rule would have forced immediate action at many of our oldest and dirtiest coal power plants," Cohan says.

"alternatives" including a new cap and trade emissions credit program. The end result will allow coal power plants to chug out double the current amount of sulfur dioxide at their plants without violating EPA rules.

The path to repeal a rule is a long, drawn-out process – it will take more than a year, most likely, to fully undo the Clean Power Plan, even though it was never actually implemented – but in lieu of that, the EPA's approach to the haze rule shows how the agency, under Trump, is approaching things. It would take forever to do away with all the rules and regulations from the Obama administration, so it appears EPA officials are simply loosening the rules to the point where they technically exist but are essentially useless, in addition to the efforts to repeal other regulations. And in Texas, where the state regulatory standards on the environment are not exactly stringent, that is going to have more implications as time goes by.

However, Metzger still has hope for the future, environmentally speaking. Companies are retiring two coal-powered plants in Texas not because of regulations, but because cheap natural gas has made the cost of burning coal too high.

On top of that, wind and solar energy are producing more of the state's electric industry. Houston – the beating heart of the oil industry – is now the largest purchaser of renewable energy in the country, Metzger says. "We're making advances, and it all adds up," he says. "If we can do this in Texas, of all places, we can do this anywhere in the world."

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Dianna Wray, a nationally award-winning journalist, is a staff writer at the Houston Press. Born and raised in Houston, she writes about everything from NASA to oil to horse races.

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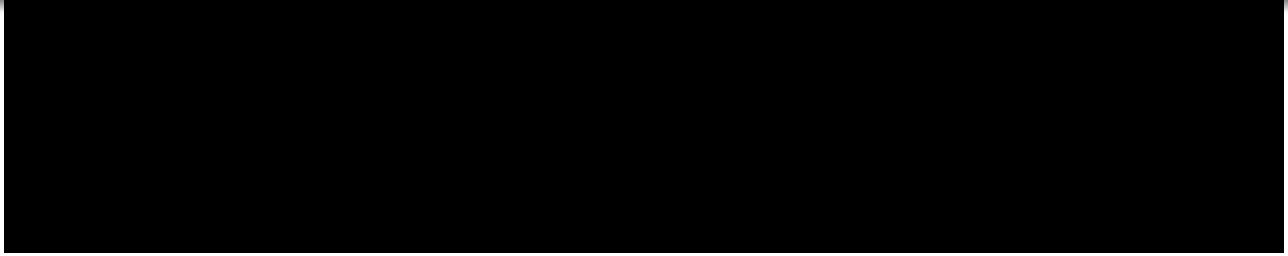
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# Temporary bans placed on fishing near site of busted cap

By Mario Diaz

Posted: 5:16 PM, October 10, 2017

Updated: 6:19 PM, October 10, 2017

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**CHANNELVIEW, Texas** - For Jeremy Phillips, the senior director of infrastructure for Harris County [<https://www.click2houston.com/topic/Harris county?entityid=3684908722&lang=en>] Precinct 2, concern began to rise when news from the EPA emerged late last month.

"We saw the stories where they had elevated levels of dioxins detected in some of the tests," he said.

Phillips is referring to stories like one which aired on Sept. 29 on KPRC Channel 2 News where the EPA revealed that a cap at the San Jacinto River Waste Pits, a superfund site, busted causing highly elevated levels of dioxins to seep into the water.

"You can't help but think of the potential impacts that are maybe upstream or downstream from the pit site if there is a breach to the waste pit containment and that is obviously what led us here today," Phillips said.

As a result, signs have been erected that clearly state fishing and crabbing are not allowed.

Twelve signs have been placed at and around small ponds and inlets at four parks within Harris County Precinct 2. The parks that were impacted are Meadowbrook Park, Moncrief Park, Rio Valley Nature Trail and River Terrace Park.

Phillips helped oversee the implementation of the signs as well as enforcement.

"We've notified our law enforcement, park patrol they are going to help us as they see people fishing that they advise them we have a temporary ban in place," he said.

Cathy Bolton has lived in the area for 45 years.

She told KPRC Channel 2 News that not being able to fish with her grandson is troubling.

“I think it's very sad, because it's a natural thing and it's something you can do with your family and it's free,” Bolton said.

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# Green Infrastructure: How Roof Gardens And Planting Trees Could Reduce Flooding

Green infrastructure describes features in buildings and landscaping that cleanse and capture rainwater onsite where it falls. Houston advocates for green infrastructure join Houston Matters to discuss how it can be used to reduce flooding.

ABNER FLETCHER | OCTOBER 10, 2017, 2:47 PM



*Richard Johnson*

A "green roof" at Rice University. Green infrastructure advocates hope to place similar projects around Houston.



Houston Matters

Green Infrastructure: How Roof Gardens And Planting Trees ...

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Since Harvey, we've heard plenty about over-development and the role it has played in Houston flooding. There's too much pavement. But we do know that development – and redevelopment – will continue to happen in Greater Houston. It just remains to be seen whether Harvey will not only affect *where* we develop but also *how* we develop.

While we wait to see if homes will be rebuilt in certain flood-prone areas, advocates of green infrastructure hope it could be utilized in existing and future development in Greater Houston to help reduce the burden on our system of bayous.

But what is green infrastructure? The term describes features in buildings and landscaping that cleanse and capture rainwater onsite where it falls. And then it can either be reused or absorbed back into the soil – instead of running off into the city's systems of bayous (which, of course, can overflow and flood).

**Examples of green infrastructure include:**

- Rain cisterns – containers that collect water from gutters
- Permeable pavement – bricks or asphalt that allow water to seep through
- Green roofs – putting soil and plants on roofs to capture and absorb rain
- Rain gardens – gardens with special soil that filters pollutants and allows water to be absorbed into the ground

Brian Zabcik from Environment Texas and Barry Ward from Trees for Houston join Houston Matters to explain green infrastructure and how it could be better utilized in Greater Houston to reduce flooding.



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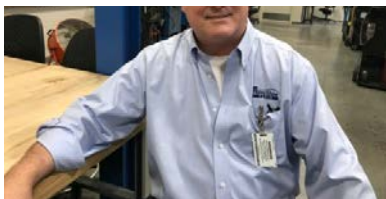
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By Travis Bubenik | October 10, 2017 9:30 am

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*From [Houston Public Media](#):*

Environmental groups are worried the [Environmental Protection Agency](#) is giving Texas power plants a pass on pollution.

The agency has decided that plants won't need to install new emissions controls to clean up haze over national parks. The Obama Administration had [pushed](#) for the controls. Now, the EPA is [planning](#) to let Texas power plants pursue "alternatives." Those include a new "[cap and trade](#)" emissions credit program within the state.

The agency is arguing that program, combined with the state's participation in a [similar national program](#), will lead to the same amount of emissions cuts as retrofitting old plants. Groups like the Sierra Club aren't buying it.

"Letting them pollute for longer is not really a solution," says Elena Saxonhouse, one of the group's attorneys. She claims the EPA is wrong, that you can't cleanup haze the same way without the new air quality controls.

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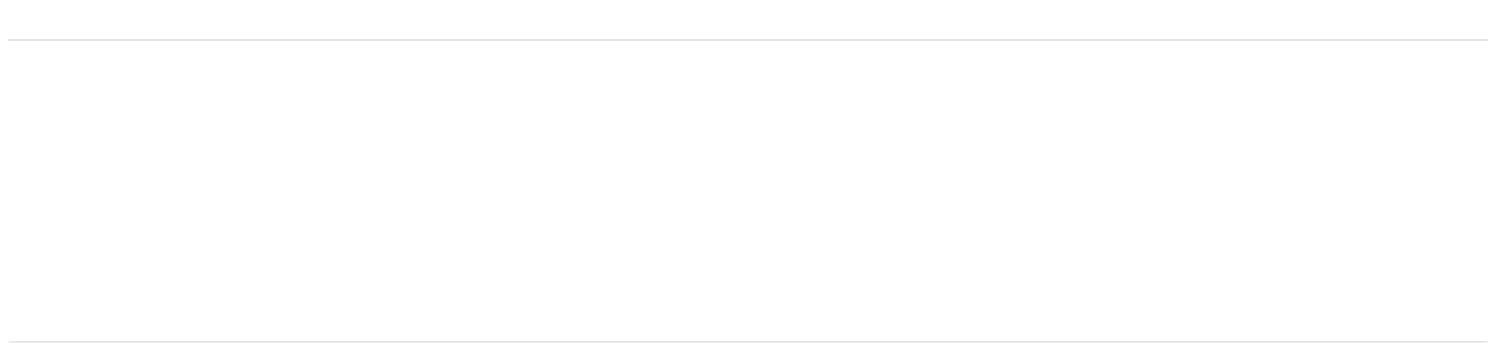
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## Monticello Goes Under, More Coal and Nuclear Imperiled in Texas

## Monticello Goes Under, More Coal and Nuclear Imperiled in Texas

**10/11/2017 | Sonal Patel**

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<b>PAGES:</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>
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A week after the Department of Energy (DOE) proposed a rule to bolster uneconomic coal and nuclear generators in competitive power markets, Luminant announced that an “unprecedented low power price environment” will force it to retire a 1.9-GW coal-fired power plant operating in the Texas market. The plant’s economic woes suggest a larger swath of Texas baseload generators may face a similar fate.

Luminant will take its Monticello Power Plant in Titus County, Texas, offline in January 2018 because low prices within the Texas competitive wholesale bulk-power market managed by the Electric Reliability Council of Texas (ERCOT) have “profoundly impacted its operating revenues and no longer [support] continued investment,” said Curt Morgan, president and CEO of Vistra Energy, Luminant’s parent company, on October 6.

Luminant said that it filed a notice with ERCOT to retire the plant, a process that will trigger a reliability review. "If ERCOT determines the units are not needed for reliability following this 60-day review, Luminant expects to stop plant operations on Jan. 4, 2018," it said.

The coal plant's closure will affect about 200 company employees. Financially, Vistra expects to take a hit of between \$20 million to \$25 million, a figure that includes employee-related severance costs and non-cash charges for materials inventory and the acceleration efforts to reclaim the plant's mines, which were shuttered in the spring of 2016.

## Spotlight on Pricing Woes in ERCOT

The Monticello Steam Electric Station, which was a *POWER* magazine Top Plant nearly a decade ago (The%20Monticello%20Steam%20Electric%20Station%20(Figure%201),%20comprising%20three%20supercritical%20units%20collectively%20rated%20at%201,880%20MW%20(net),%20is%20located%20in%20northeast%20Texas,%20just%20southwest%20of%20the%20city%20of%20Mountain%20Pleasant%20and%20about%20120%20miles%20east%20of%20Dallas.%20Monticello%20Units%201%20and%202%20are%20each%20rated%20at%2020565%20MW%20and%20are%20powered%20by%20a%20Combustion%20Engineering%20boiler%20and%20a%20Westinghouse%20turbine-generator.%20They%20came%20on-line%20in%201974%20and%201976,%20respectively.%20Steam%20conditions%20are%203,500%20psi%20and%201,005F.%20Unit%203,%20rated%20at%2020750%20MW,%20is%20powered%20by%20a%20Babcock%20&%20Wilcox%20boiler%20and%20a%20turbine-generator%20from%20General%20Electric.%20Unit%203,%20with%20identical%20steam%20conditions,%20went%20into%20service%20in%202001),%20comprising%20three%20supercritical%20units%20collectively%20rated%20at%201,880%20MW%20(net),%20is%20located%20in%20northeast%20Texas,%20just%20southwest%20of%20the%20city%20of%20Mountain%20Pleasant%20and%20about%20120%20miles%20east%20of%20Dallas.%20Monticello%20Units%201%20and%202%20are%20each%20rated%20at%2020565%20MW%20and%20are%20powered%20by%20a%20Combustion%20Engineering%20boiler%20and%20a%20Westinghouse%20turbine-generator.%20They%20came%20on-line%20in%201974%20and%201976,%20respectively.%20Steam%20conditions%20are%203,500%20psi%20and%201,005F.%20Unit%203,%20rated%20at%2020750%20MW,%20is%20powered%20by%20a%20Babcock%20&%20Wilcox%20boiler%20and%20a%20turbine-generator%20from%20General%20Electric.%20Unit%203,%20with%20identical%20steam%20conditions,%20went%20into%20service%20in%202001).

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01978.), comprises three supercritical units. Monticello Units 1 and 2 are each rated at 565 MW and are powered by a Combustion Engineering boiler and a Westinghouse turbine-generator. They came online in 1974 and 1976, respectively. Unit 3, rated at 750 MW and powered by a Babcock & Wilcox boiler and a turbine-generator from General Electric, went online in 1978.

The 1.9-GW plant made up a fraction of the 101 TWh ERCOT's coal plants generated in 2016. Coal generation made up 28.8% of ERCOT's total generation mix, which has been shrinking as more natural gas plants and wind farms are added to the grid. In 2016, gas' share was 43.7%, nuclear generated 12%, and wind generated 15.1% (soaring from just 3% in 2007).

(<http://www.powermag.com/monticello-goes->

[under-more-coal-and-nuclear-imperiled-in-texas/pn\\_monticello\\_potomacercotfuelmix/](#))

#### 1. **ERCOT's annual generation mix.** *Courtesy: Potomac Economics*

But Monticello's economic worries aren't unique in the Texas wholesale market, which got its start around 1995. According to the *2016 State of the Market Report* issued in May by Potomac Economics, ERCOT's independent market monitor (<https://www.potomaceconomics.com/wp-content/uploads/2017/06/2016-ERCOT-State-of-the-Market-Report.pdf>), economic pressure is clearly mounting on ERCOT's existing coal and nuclear units because their non-shortage prices—the vast majority of net revenues they earn—have been “substantially affected by prevailing natural gas prices.”

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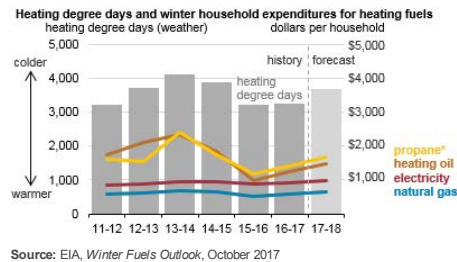
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- 22nd Annual ARC Industry Forum, 02/12 - 02/15 (<https://www.arcweb.com/events/arc-industry-forum-orlando>)
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**BUSINESS**

# New Mexico utility continues plan to stop burning coal

*The Associated Press*

**OCTOBER 10, 2017 4:45 PM**

SANTA FE, N.M. — New Mexico's largest utility says it will stop using coal as a power source in 2031, despite a move by the Trump administration to make it easier for coal-fired power plants to operate by repealing a federal policy to reduce carbon dioxide emissions.

The U.S. Environmental Protection Agency said this week it intends to dismantle the Clean Power Plan that set state-specific limits for the emissions that contribute to global warming. EPA Administrator Scott Pruitt said the Obama-era policy set standards that coal and natural gas plants could not reasonably meet.

Regardless, the Public Service Co. of New Mexico said it will continue its efforts to comply with the Clean Power Plan, The Santa Fe New Mexican reported (<http://bit.ly/2yfEeBj>). The company uses coal for 56 percent of its energy generation. That would drop to at least 12 percent by 2025 with a decreased reliance on coal, PNM said.

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PNM operates the San Juan Generating Station and partially owns the Four Corners Power Plant, two coal-fired facilities in northwestern New Mexico. Company spokesman Ray Sandoval said the utility doesn't anticipate any changes to its plans, but he noted it's still awaiting approval from the state Public Regulation Commission to retire the coal assets.

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"The actions we have planned represent the most cost-effective ways to serve our customers with reliable, affordable and environmentally responsible energy," Sandoval said.

The U.S. Supreme Court had put the Clean Power Plan on hold last year following legal challenges by industry and coal-friendly states. Even so, utilities increasingly moved away from coal in favor of renewables and cheaper prices for natural gas.

PNM already agreed to shut down two of the four units at the San Juan Generating Station under a separate EPA rule targeting haze-causing nitrogen oxide emissions and install pollution controls on existing units by the end of this year. The facility is expected to close by 2022.

PNM expects to drop ownership in the Four Corners plant in 2031.

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# Review 'Frontline' looks at whether 'War on the EPA' is a triumph or a tragedy



The Robert W Scherer Power Plant, a coal-fired electricity plant operated by Georgia Power, is part of the story covered in "War on the EPA," a new documentary from the PBS series "Frontline." (Christopher Aluka Berry / Reuters)



By **Robert Lloyd**  
Television Critic

OCTOBER 11, 2017, 5:00 AM

**I**f you should care to spend an hour Wednesday night contemplating the fate of environmental regulation under the current presidential administration, the PBS series "Frontline" has a documentary for you, "War on the [EPA](#)." The title plays off right-wing slogans that imagine a government-waged "war on coal," or a "war on Christmas." ("My administration is putting an end to the war on coal," we see [Donald Trump](#) say.) But this war is real, and the evidence, advanced with pride or dread by each side, is here.

Specifically the hour sets out to answer the question "What is [Scott Pruitt](#) doing running the EPA?" As Oklahoma state attorney general and a key member of the activist Republican Attorneys General Assn. (RAGA), Pruitt sued the Environmental Protection Agency more than a dozen times. As that agency's head, his main interest seems to be ridding the regulatory agency of regulations — "making the regulated the regulators,"

in the words of New York Times reporter Eric Lipton, whose Pulitzer Prize-winning work is one of the pillars upon which "War on the EPA" rests.

Not surprisingly, the answers are to be found at the intersection of conservative ideology and industrial self-protection, with money from the latter fueling the former. Lipton recalls a RAGA fundraiser (he "was never asked who I was or why I was there") where "lobbyists were writing checks right in front of me and handing checks to attorneys general and to their aides." Controversial coal magnate Bob Murray, who calls climate change "a theology," is happy to note that he has Trump's ear (though he answers "No comment" when asked if he had anything to do with the choice of Pruitt to run the EPA).

Although some extreme personalities, like Murray, resist normalizing, "Frontline" does a good job of presenting its interview subjects — think tankers, reporters, politicians, industrialists, bureaucrats — as rational and sane, whatever their viewpoints. (Pruitt did not consent to be interviewed.) This is responsible journalism, and, one might say, confusing in a good way, as you are forced to consider well-spoken speakers offering contradictory claims with similar confidence.

As with most documentary films, the really interested viewer will finish the hour with additional questions. Some recent Pruitt-related newsworthy oddities — including his taxpayer-funded use of non-commercial and military flights, the \$25,000 soundproof booth he had built in his office and his expanded security detail — were not in the episode, at least as it was available to screen two days before airing.

Some points are made only fleetingly — for example, that the fortunes of the coal industry and coal miners have been determined more by automation and competition from natural gas than any dicta out of Washington. That global warming is real is not, for a thousandth time, explained, but man-made climate change is probably not something of which most "Frontline" viewers need to be convinced. Nevertheless, the tone is equitable enough that one could plausibly read "War on the EPA" as a tale of triumph or tragedy.

Still tragedy seems pretty clearly what the narrative intends, as the hour concludes in a montage of cuts, rollbacks, replacements and withdrawals.

"What everyone is trying desperately to do," says Betsy Southerland, the former director of science and technology in the EPA's Office of Water and a 30-year veteran of the agency, "is to hope against hope that their facts will change Scott Pruitt's mind, that they'll be special and they'll be able to convince the administrator not to go with whatever the industry people have asked him to do and to give some deference to the science and the engineering behind previous regulations that were so thoroughly thought-out and so thoroughly justified."

This all reflects a larger argument, if you want to call it that, between local short-term interests (profits, jobs) and global, long-term ones (the health of the planet and its people). Some commentators here, whether out of political convenience or genuine belief, frame it as a culture war, the coastal elites imposing their will on the people of the heartland. But it's useful to remember that the EPA was formed in the Nixon administration, when there was broad bipartisan and public support for tackling pollution. There is room to meet in the middle, of course, when there is the will to.

10/11/2017

'Frontline' looks at whether 'War on the EPA' is a triumph or a tragedy - LA Times

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# Incredible drone footage shows aerial video of Oklahoma's polluted town

POSTED 8:35 AM, OCTOBER 11, 2017, BY ALI MEYER

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**WEB EXTRA:** Check out this incredible drone footage of Oklahoma's most polluted town



OTTAWA COUNTY, Okla. - This incredible drone footage shows aerial video of Oklahoma's most polluted town.

The News 4 team recently traveled to Picher, Oklahoma, for a special report about Superfund sites in Oklahoma.

The Tar Creek Superfund site is one of the most polluted areas on the planet.

Several decades ago, the EPA declared this area uninhabitable for humans.

The tri-state mining district was so damaged by environmental pollution that the federal government agreed to buy the land from all willing residents.

The towns of Picher and Cardin were both abandoned by their residents.

KFOR Meteorologist Aaron Brackett joined News 4's Ali Meyer and photojournalist Travis Schutten in Ottawa County for a special shoot.

The 4-Sight drone provides remarkable access to an area that's rarely seen because most of Picher is no longer open to the public.

News 4 obtained special permission from the Oklahoma Department of Environmental Quality and the Quapaw to get unprecedented access to this unique site.

## Almost Soccer Stars



OCT 10, 2017, BY CO

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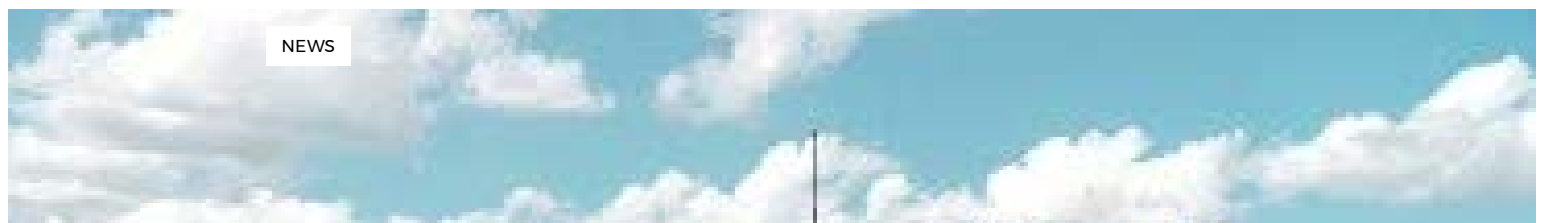




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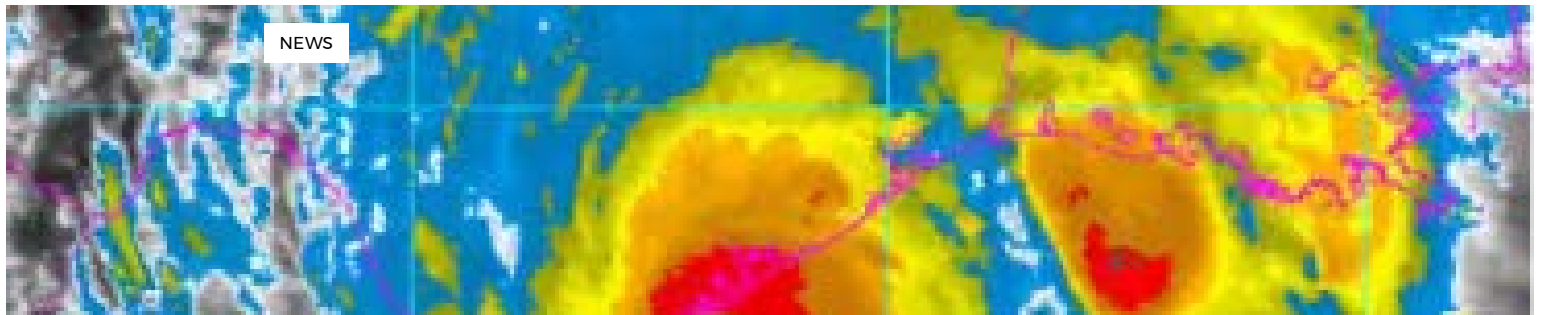


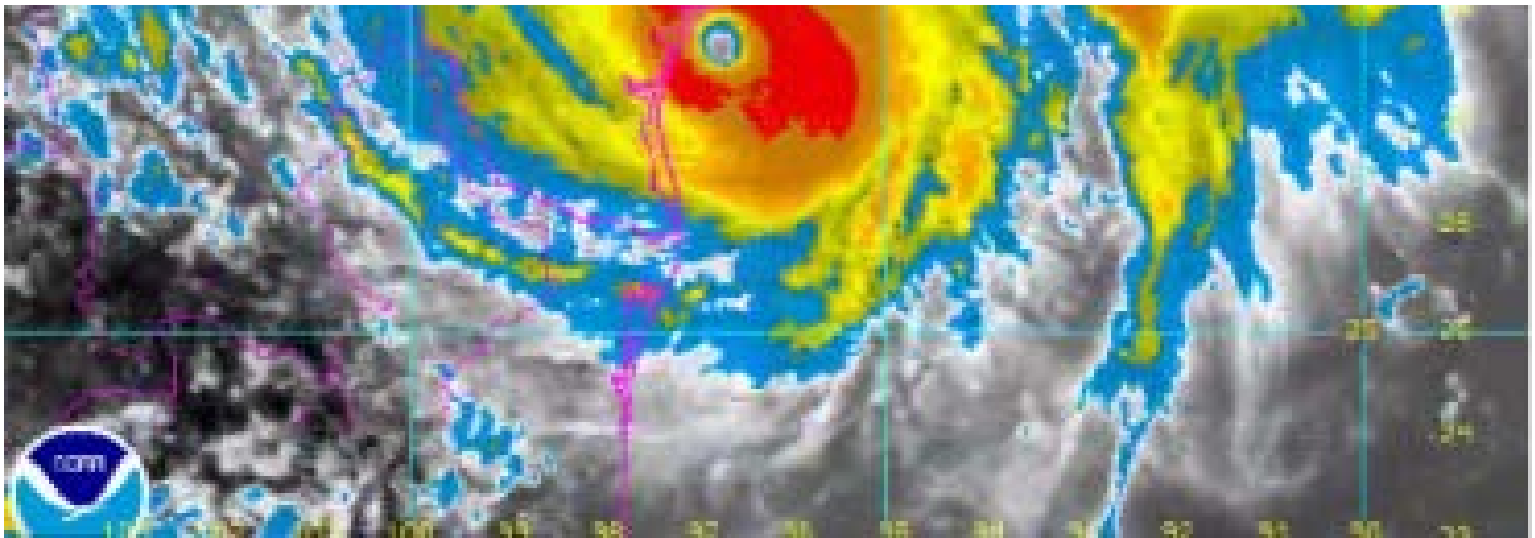


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Classen Circle rezoning plan on hold causing controversial reaction





**Colbert police chief resigns after reported neo-Nazi, white supremacist ties surface**



**Aerial images show before and after Hurricane Harvey damage in southeast Texas**

# ARKANSAS

## Athletics



# Recycle with the Razorbacks

BY Kevin Trainor

2 hours ago

**FAYETTEVILLE, Ark.** –Razorback fans will be asked to help the University of Arkansas score big in the Environmental Protection Agency's (EPA) [Game Day Challenge](#) on Saturday, October 21 at Donald W. Reynolds Razorback Stadium. The Game Day Challenge is a friendly competition nearly 100 colleges and universities to promote waste reduction at their football games.

The University of Arkansas will be competing in the competition in conjunction with Saturday's game against the Auburn Tigers. Kickoff at Donald W. Reynolds Razorback Stadium is set for either 6:15 or 6:30 p.m. CT.

The GameDay Recycling Challenge is a nationwide competition among universities to reduce and recycle the waste generated at home football games. During each competition cycle, participating schools report recycling, compost and attendance data for at least one home football game. In 2016, 79 schools rallied fans to recycle and compost an impressive 2.7 million pounds of bottles, cans, paper, cardboard and food organics from football stadiums and tailgating areas while also raising awareness and inspiring action around waste reduction.

The GameDay Recycling Challenge is administered by the College and University Recycling Coalition (CURC), RecycleMania, Keep America Beautiful and the U.S. Environmental Protection Agency's WasteWise.

The Razorbacks have teamed up with Boston Mountain Solid Waste District and the University of Arkansas' Office of Sustainability to help make the challenge a success. As part of the competition, blue recycling bags will be distributed to tailgaters. Razorback fans and tailgaters are encouraged to throw their recyclable waste in recycle bins located in Donald W. Reynolds Razorback Stadium, as well as parking lots and tailgating areas on campus. A 10-foot trailer will be located at The Gardens while a trailer will also be located at Victory Village North, just north of the stadium and near the Tyson Poultry Science Center.

The goal for this year's challenge is to obtain a 90 percent diversion rate and rank in the top five of the competition. In 2016, Arkansas ranked No. 1 in the SEC and seventh nationally in diversion rate, the process of diverting waste from landfills. Arkansas also finished second in the SEC and third in the nation in total recycling for the 2016 season with 53,950 pounds of recycled materials. In addition, Arkansas ranked second in the SEC in recycling per capita (.715) and greenhouse gas reduction per capita (.001057) and third in organics reduction per capita (.017) for the 2016 Alabama game.

Efforts will help Razorback Athletics in the 2017 Game Day Challenge and further support the University of Arkansas' recycling and sustainability programs.

This will be the seventh year that the University of Arkansas has competed in the challenge that encourages students and fans to go “green” and recycle waste during a selected football game. Schools track and report waste reductions and disposal data that are used to rank the schools in five categories including: least amount of waste generated, highest recycling rate, greatest greenhouse gas reductions, and highest organic reduction rate and highest diversion rate (a combination of trash, recycling, and composting data). Schools report their data to the EPA and the winning schools are announced at a later date.

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## It's On Us

BY Kevin Trainor  
24 hours ago

**FAYETTEVILLE, Ark.** — Greek Life, Associated Student Government, Razorback Athletics, and University Housing are once again bringing the nationally recognized It's On Us campaign to the University of Arkansas.

The It's On Us campaign aims to reach a broad base of the population through its pledge and awareness efforts.

It's On Us week will cover topics such a consent, bystander awareness and survivor support through tabling in the Arkansas Union and various events throughout the week. Students will be able to sign the official It's On Us pledge, which will then put their name on the pledge list on [itsonus.org](http://itsonus.org).

Parice Bowser, director of Greek Life for the Division of Student Affairs, said by participating in awareness events, students begin to understand the extent of sexual violence in their communities and can start making cultural changes to stop sexual assault.

“It's not just Greek Life members who are affected by this issue,” Bowser said. “When one person is affected, our whole community is affected until we stop this for good.”

“It's On Us” is a rallying cry, inviting everyone to step up and realize that the solution begins with us,” said John Gairhan, director of student safety for Associated Student Government. “It seeks to reframe the conversation surrounding sexual assault in a way that inspires everyone to see it as their responsibility to do something, big or small, to prevent it.”

“The University of Arkansas is home to a diverse group of individuals, ideas and beliefs, but we all speak collectively, with one voice, in declaring sexual assault is not and will never be acceptable at the University of Arkansas,” Vice Chancellor and Director of Athletics Jeff Long said. “As a campus community, we must work together to raise awareness and take meaningful steps to prevent this on our campus. By taking the It’s On Us pledge, we are not only taking a stand against sexual assault, we are standing up for everyone in the Razorback Family”.

Several events are planned for Oct. 8 through Oct. 13 across campus. The kickoff event for It’s On Us Week 2017 will be held Oct. 9, from 10 to 11 a.m. on the South Terrace of the Arkansas Union. Other events are planned and during the week there will be an It’s On Us information table on the Arkansas Union Mall from 10 a.m. to 2 p.m.

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## Auburn Returned Tickets Now Available

BY Taylor McGillis  
October 7, 2017

[Buy Tickets](#)

FAYETTEVILLE, Ark. – A limited number lower level and upper level tickets have been returned by Auburn and are now available for Arkansas’ next home game at Donald W. Reynolds Razorback Stadium against the 12<sup>th</sup>-ranked Tigers on Saturday, October 21.

Auburn returned a portion of their allotment of tickets for the 27<sup>th</sup> all-time meeting between the two programs. Upper level tickets can be purchased for \$49, which is 25 percent off the individual ticket price, while the limited number of lower level tickets won’t last long.

Fans can purchase tickets by calling 479-575-5151 or by clicking [here](#).

A gametime for Arkansas’ SEC showdown with Auburn will be released on Monday, October 9.

Powered by 

## 14 Razorbacks Slated For Induction Into The SWC Hall Of Fame

BY Jeri Thorpe  
September 29, 2017





**WACO, Texas** — The Texas Sports Hall of Fame (TSHOF), in conjunction with the Arkansas Sports Hall of Fame and the Little Rock Touchdown Club, is proud to announce 14 new members from the University of Arkansas into its 2017 class of inductees for the Southwest Conference Hall of Fame: Jim Benton (football, deceased) Ron Brewer (basketball), Ronnie Caveness, (football, deceased) Joe Ferguson (football), Edrick Floreal (track & field), Orville Henry (sportswriter, deceased), Steve Little (football, deceased) Fred Marshall (football), Cynthia Moore (track & field), Wear Schoonover (football, deceased) Amber Shirey (basketball), Billy Ray Smith Sr. (football, deceased) Darrell Walker (basketball), Dennis Winston (football).

Sponsored by the Texas Sports Hall of Fame, the Southwest Conference (SWC) Hall of Fame induction ceremony and luncheon will be held at the Embassy Suites Little Rock (11301 Financial Centre Pkwy, Little Rock, AR 72211) on Monday, October 30th, at 11:30 AM. Visit [www.lrtouchdown.com](http://www.lrtouchdown.com) or call 501-690-3944 to reserve event tickets and to access sponsorship information.

“The Southwest Conference played such an important part in our program’s history and we are pleased to once again recognize nine deserving Razorbacks who helped make our tenure in that league so successful,” University of Arkansas Vice Chancellor and Athletic Director Jeff Long said. “This year’s inductee class includes a diverse group of Razorback legends who enjoyed distinguished collegiate careers. And while they all competed or contributed to the success of different sports, they all share a common trait of representing the University of Arkansas and the Southwest Conference with great class and dignity.”

The Southwest Conference Hall of Fame is one of four separate halls of fame housed within the Texas Sports Hall of Fame’s physical structure. They include the Texas High School Football Hall of Fame, the Texas Tennis Hall of Fame, the Texas Sports Hall of Fame and now, the Southwest Conference Hall of Fame.

“We are once again delighted to work with the University of Arkansas in honoring another amazing class of inductees into the Southwest Conference Hall of Fame,” said Cooper Jones, the President/CEO of the Texas Sports Hall of Fame. “Their accomplishments and dedication to their families and their schools set a high standard of excellence that exemplifies the very best of the Southwest Conference era, and has left a great legacy for all Razorbacks to be very proud of.”

Former Razorback football player Dick Bumpas will be inducted into the Southwest Conference Hall of Fame this Monday, Oct. 2 at a luncheon in Fort Worth at the Brown-Lupton University Union on the TCU Campus. Bumpas, will join eight other former Southwest Conference greats from others schools in the ceremony.

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# Lake watchdog group switches position on wastewater discharge projects

Ashley Rodrigue, WWLTV 7:16 PM. CDT October 10, 2017



MANDEVILLE- Dumping treated wastewater into the state's wetlands has not only been common in Louisiana, but actually promoted as a good thing.

Now, one environmental agency is reversing its position on the practice.

The natural habitat of the Chinchuba Swamp in Mandeville is thriving. City Public Works Director David deGeneres says that's because of a Wetland Assimilation project that's been in place for more than a decade.

It allows the city to clean its wastewater at a low cost and manpower level, then use that cleaned water to fertilize and strengthen the swamp and the East Tchefuncte Marsh.

"I think that we've proven that by looking at what we're here looking at today," said deGeneres, "It has helped the wetlands quite significantly."

That's why the city is renewing its permit with the state to keep the practice going.

At the same time, the Lake Pontchartrain Basin Foundation, which actually supported the creation of the system in Mandeville, is now asking the state to take another look at its program that oversees the Mandeville project and ten others like it around the state.

"We know that there are a lot of people who certainly have concerns, but maybe haven't taken a leap to where we're at now for a different policy direction, but basically almost everybody we've talked to has some concerns," said Dr. John Lopez, with the Lake Pontchartrain Basin Foundation. "Even those that are still proponents acknowledge that in some of the projects there have been problems."

According to the foundation's studies, those include loss of marsh, instead of creating more of it, trees not growing as fast and wetlands staying flooded longer than usual.

Those findings are troubling to residents like Jean Champagne.

"The wetlands are in a crisis state right now and we really can't afford to experiment with it too much," he said. "We need to know that it's working."

The Basin Foundation wants to find a way to make it work.

"We want to help kind of transition those so that they work better or that they somehow switch to another process and we think there are some good alternatives," said Lopez.

The LPBF is scheduled to share its thoughts on the matter at the Mandeville Council meeting this Thursday at 6 p.m. at City Hall. Next Thursday, Oct. 19, the LDEQ is hosting a public hearing on Mandeville's permit renewal application. That's at the parish administration building on Koop Drive in Mandeville at 6 p.m.

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## Mayors take stand against Burnet County rock crusher permit

Posted on 10 October 2017. Tags: [Cottonwood Shores news](#), [Marble Falls news](#), [rock crusher](#), [TCEQ](#)

◀ 23

STAFF WRITER CONNIE SWINNEY



Marble Falls Mayor John Packer (center) lent his support to protesters of a proposed Burnet County rock crushing operation Oct. 7. Courtesy photo

COTTONWOOD SHORES — The mayors of [Cottonwood Shores](#) and [Marble Falls](#) have jumped into the fray against plans for a rock crushing facility just off the southwest corner of the intersection of U.S. 281 and Texas 71 in Burnet County.

Cottonwood Shores recently joined several other cities, including Granite Shoals, Horseshoe Bay, and Marble Falls in passing resolutions in opposition to Asphalt Inc.'s pending air quality permit.

The permit is pending approval by the [Texas Commission on Environmental Quality](#).

The Cottonwood Shores City Council unanimously passed a resolution, citing concerns by the community about the rock crusher plans, during its regular meeting Oct. 5.

"It was strictly for the protection of our residents that the council voted that way," Cottonwood Shores Mayor Donald Orr said. "I followed up with a letter, and I plan to attend the (upcoming) meeting."

[A public meeting](#) by TCEQ is scheduled for 7 p.m. Thursday, Oct. 26, at Lakeside Pavilion, 307 Buena Vista in Marble Falls.

Orr believes the community has an interest in opposing the permit due to its location.

"If you look at the location of that facility. It is directly south-southwest of Cottonwood Shores. It's approximately four miles," he said. "Any particulate (dust) that is generated down there will go directly to Cottonwood. We're in a direct line of the prevailing wind."

Opponents of the rock crusher contend that such a facility poses air, water, and traffic issues.

Marble Falls Mayor John Packer also joined the fight by showing his support at protests on Sept. 30 and Oct. 7 at the entryway of the proposed rock crusher.

"About two-thirds of the property is in our ETJ (extra-territorial jurisdiction). The future land use for that land is single-family residential," Packer said. "We need rooftops for that area to develop. Definitely, you would scare off residential developers with that type of operation."

Due to the community outcry and support from local and state leadership, the public commenting period for the permit has been extended to Oct. 31.

Attempts to reach an Asphalt Inc. representative or the property owner were unsuccessful.

[connie@thepicayune.com](mailto:connie@thepicayune.com)

← [Edwin L. Farris, 85, of Kingsland died Oct. 8, 2017](#)

[Spike in stomach illnesses prompts word of caution from health official](#) →

#### 4 Responses to "Mayors take stand against Burnet County rock crusher permit"



1. steve says:

October 10, 2017 at 3:24 pm

So the mayor thinks we need rooftops for that area since the future land use maps show that's what some city leaders and a handful of citizens wanted. Maybe the good mayor can find a way to get rooftops in all the other so called developments which have never finished or never started. Let's see now we have the flatrock development, the Windcliff, falling waters, etc etc. Heck there are what 50 or more empty lots in LaVentana with utilities that still need homes on them.

[Reply](#)



2. Monique says:

October 11, 2017 at 5:26 am

As a 34 year resident in Cottonwood Shores, we HAVE NO BUSINESS saying anything. If this brings jobs to the area, why are you condemning. May Orr not your business.

Reply



3. Shawna says:

October 11, 2017 at 8:17 am

This is going to be an environmental tragedy for the Marble Falls area! If your business depends upon tourism? You should be there protesting!! If you breathe and live within 20 miles of this mess you ought to be protesting this!

Reply



o steve says:

October 11, 2017 at 8:35 am

20 miles? You are aware that the plant on the north side of marble falls is roughly 5 miles from downtown marble falls right? And the quarry on 71 towards spicewood is roughly 8 to 10 miles away. Huber mining is next door. Tourism is still strong even in light of those places.

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## Local org advocates for a greener campus

By Madison Spratto (<http://www.dailylobo.com/staff/madison-spratto>) Published 11 hours ago

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Daily%20Lobo:%20Local org advocates for a greener

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Environment New Mexico unveiled their 10-point plan that aims to assist colleges and universities with the transition to using 100 percent renewable energy on Tuesday at a press conference at the University of New Mexico.

"Our message today is clear: colleges and universities across the country are situated to lead the charge in transitioning to a 100 percent clean, renewable energy future," said Sanders Moore, the state director of Environment New Mexico Research and Policy Center.

The plan, titled "Renewable Energy 101: Ten Tools for Moving your Campus to 100 Percent Clean Energy," consists of 10 options to help institutions in New Mexico establish a 100 percent clean, renewable energy system.

"UNM has the ability, and the knowledge, to lead by taking bold steps to shift to clean energy and greatly reduce pollution," Moore said.

The plan includes facts and strategies about solar, wind and geothermal energy collection and also addresses the storage of renewable energy and general strategies for making campuses more energy efficient.

Moore said, because New Mexico is the second sunniest state and the 12th windiest, the state should be a national leader in renewable energy.

One square meter of solar panels in Albuquerque would generate more than double what they would produce in Berlin, Germany, said Dr. Ganesh Balakrishnan, the associate chair of UNM's department of electrical and computer engineering.

"The investment is very well worth it," Balakrishnan said.

Moore said that higher education institutions are highly influential and hotspots for innovation.

As New Mexico's flagship university, UNM should "be at the forefront of this transition," she said.

"Accelerating the development of renewable energy technologies can save money, provide learning opportunities and help colleges and universities achieve their climate goals," Moore said.

A recent report by Environment America said colleges and universities in the United States have more than 20 million students enrolled and spend more than \$15 billion per year on energy.

When it comes to using 100 percent renewable energy, "we have the technology to achieve this goal," said Harper Gamble, a sophomore majoring in economics with a minor in sustainability studies.

The city of Albuquerque has committed to acquiring 25 percent of the city's electricity from solar energy by 2025, resulting in an estimate of \$3.6 million in savings, Gamble said.

"If UNM invests in renewable energy, those savings could be used for other educational purposes," he said.

Renewable energy is one of the few segments of the economy that are actually growing in New Mexico, Gamble said.

"As a native New Mexican and a student thinking about my future, I am optimistic about this growth and the potential for jobs in the solar and wind sectors," he said.

Balakrishnan said one reason it is important for universities to usher in renewable energy resources is because there is a cohort of students who could potentially be trained in the field.

"You could have engineers and people who are ready to go to work for this emerging technology for the country," he said.

In the past, the storage of renewable energy has been one of the main challenges to large-scale green energy projects.

"There is a very strong emergence of lithium ion technology for grid-based energy storage, and I think that could be a key player in allowing (renewable energy) technologies to truly become a replacement for fossil fuels," Balakrishnan said.

Moore said the first step for UNM would be to commit to taking action on renewable energy and then putting together a coherent plan.

"In 2009, UNM committed to being a carbon-neutral campus by 2050," she said. "We haven't seen a lot of investment in the past handful of years, so we would like to encourage UNM to step up the game and lead the pack for renewable energy."

Moore said Environment New Mexico has started to ask students to sign petitions advocating for UNM to move towards using 100 percent renewable energy.

"I think college students really understand that renewable energy is our future and that we need to make the transition as quickly as possible," she said. "We just need to continue demonstrating that support to UNM."

Holly Olivarez, a first-year transfer student majoring in earth and planetary science, said it is the public's responsibility to educate themselves and be able to have these conversations.

"I think we really need to change this message that one person can't make a difference, rather than thinking, 'Well the big guys aren't doing it, so whatever,' I really think it's time for that to change," she said.

Madison Spratto is a news reporter for the Daily Lobo. She can be contacted at [news@dailylobo.com](mailto:news@dailylobo.com) or on Twitter @Madi\_Spratto.

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# Venting regulations could strain small oil and gas producers

Adrian C Hedden, Carlsbad Current-Argus    Published 4:44 p.m. MT Oct. 10, 2017



(Photo: Jessica Onsurez Current-Argus)

New regulations aimed at reducing the venting and flaring of natural gas produced during extraction activities on federal land go into effect in January, and some are worried it could damage Eddy County's oil and gas industry.

Enacted by Bureau of Land Management under former President Barack Obama's administration last year, the BLM's waste management regulations would require oil and gas producers to incur the costs, and build the infrastructure needed to capture and monitor the gas, rather than burn it off or release it into the atmosphere.

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The rule was suspended recently pending litigation in the Wyoming supreme court, but a district court in northern California last week refused the delay.

Supporters of the rule cite lost royalties from venting and flaring — Sen. Tom Udall (D-NM) estimated the state loses \$100 million per year in gas royalties.

Local producers in Eddy County worry the added expenses could hit oil and gas companies where it hurts: their bottom lines.



Udall (Photo: Courtesy photo)

"The BLM's proposal to roll back the natural gas waste prevention rule would hurt taxpayers, school children, New Mexico's economy, and our environment," Udall said in a statement.

"This rule takes common-sense and cost-effective steps to limit the waste of taxpayer-owned natural gas, providing badly needed revenue to cash-strapped states like New Mexico for public education and other essential services."

About half of New Mexico's oil production, which generated about \$13 billion in new investments last year, takes place on federal land and is subject to the rule.

John Yates Jr., president of ABO Empire LLC, an Artesia-based producer said smaller operations could especially struggle under the new regulations, which would increase operating expenses.

"It could really be a threat to the smaller operations," Yates said. "They're more on a shoestring."

He said many producers wait years for infrastructure permits and rights of way that allow them to bring their products to market.

And while they wait the gas is emitted, or must be flared.

"These agencies are holding us hostage," Yates said. "They want more expenses out of you. People on the other side say we're wasting it. If they'd expedite (permitting) there would be less flaring. We have an economic incentive to put (the gas) in pipes and sell it."

In July U.S. Secretary of the Interior Ryan Zinke ordered the BLM to streamline the permitting process, as the bureau was out of compliance of a statute that required a 30-day response to Applications for Permit to Drill (APD).

In Fiscal Year 2016, the department said the average response time to APDs was 257 days.



**A test line runs along an Eddy County road against the backdrop of Guadalupe Peak in Texas. The Permian Basin which stretches across Texas and New Mexico is one of the largest domestic deposits of oil. (Photo: Jessica Onsurez Current-Argus)**

Nevertheless, Yates said flaring to some degree is essential to ensure safety at job sites.

The practice is often used to lower pressure levels as they near maximum capacity, to prevent explosions Yates said.

"We really don't want to flare gas if we can avoid it," Yates said. "But you can't not flare 100 percent of the time. There are safety issues."

Several organizations expressed concern in recent months regarding the rule.

The New Mexico Oil and Gas Association predicted such regulations could actually cost the industry \$100 million over the next three years.

Stella Davis, chair of the Eddy County Board of County Commissioners said the county is committed to defending its oil producers from the regulations.

During a recent meeting of the National Association of Counties (NACo), Davis said she debated the rule's detriment to representatives from across the country.

NACo's Energy Environment and Land Use steering committee ultimately voted to oppose implementation of the rule, Davis said.

"The producers we have told us it would have a big financial effect," Davis said. "In this area we have a lot of flaring. We have to support the industry that supports us and our community."

And when the industry busts, so could the county.

Eddy County Finance Director Roberta Smith estimated oil and gas revenue made up about 16 percent of the county's budget last year.

An audit of the county's finances from the 2015-2016 fiscal year showed a \$6 million loss in revenue.

"The oil companies bring a lot of money into the county," Davis said. "They also bring a lot into the state. It's an important industry to us."

County commissioners voted unanimously in February to send a letter in opposition to the regulations to state and federal lawmakers.

"It's been done for years," Davis said of flaring. "There are concerns for the environment, but we believe the industry has been responsible."



**Battery tanks, pump jacks and exploration rigs are common sites in the oil and natural gas rich Permian Basin. Eddy County, New Mexico has seen a resurgence of industry in the energy sector. (Photo: Jessica Onsurez Current-Argus)**

Jennifer Knowlton, a consultant to multiple oil and gas companies in Eddy County for the past 17 years, said the regulations themselves could prove irresponsible.

She said the BLM does not consider the "associated burden" besides the cost that the added regulations could have on extraction companies.

Smaller producers simply do not have the manpower, Knowlton said, to adhere to the requirements while also increasing production.

"Controlling it is doable," she said of the gas. "The cost can be maintained. It's the reporting and maintenance. The smaller, local people just don't have the personnel."

And added costs could shutter many of the smaller producers who operating two or three wells at a time as opposed thousands held by oil giants.

"You may push a well to where it's not economically viable," Knowlton said. "Then they'll close in the well."

Adrian Hedden can be reached at 575-628-5516, [achedden@currentargus.com](mailto:achedden@currentargus.com) or [@AdrianHedden](https://twitter.com/AdrianHedden) on Twitter.



# Bartlesville EXAMINER-ENTERPRISE

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## State, Osage Nation at odds

By Chris Day [cday@examiner-enterprise.com](mailto:cday@examiner-enterprise.com)

Posted at 8:16 AM

Updated at 9:14 AM

PAWHUSKA — Oklahoma may have another water rights dispute on its hands.

Last month, the Osage Nation Environmental and Natural Resources Department issued its first water well permit to Osage Skiatook Casino, which is located on federal trust land of the Osage Nation.

The permit surprised the state of Oklahoma, said Terri Watkins, communications director for Oklahoma Attorney General Mike Hunter.

The Osage Nation had not communicated with the Oklahoma Water Resources Board or the Attorney General's Office, Watkins said. The state agencies tried to contact the tribe after the permit was issued, but couldn't reach anyone. The attorney general's office had New Mexico law firm Modrall Sperling send a letter written by Maria O'Brien via Federal Express to Osage Nation Chief Geoffrey Standing Bear and Jann Hayman, director of the Osage Nation Environmental and Natural Resources Department on Sept. 29.

According to the letter, the Osage Nation Water Regulations are unlawful because they claim the Osage Nation has jurisdiction over all of the water in Osage County based on the establishment of the Osage Reservation. It says Osage Nation vs. Irby disestablished the Osage Reservation in 2010.

According to the letter, the Osage Nation retains a limited mineral interest on former reservation lands, but does not include ownership or control of water as stated in the Osage Nation Water Regulations.

Modrall Sperling is the law firm the state of Oklahoma used to resolve a water rights dispute with the Choctaw Nation and Chickasaw Nations. That dispute was settled earlier this year.



“The settlement represents a successful collaboration effort by the State and Those Nations to harmonize the Nations claims to water while ensuring continued unified State permitting and administrative authority with regard to water,” O’Brien wrote in the letter.

The settlement also preserves and protects the waters of southeastern Oklahoma in a way that benefits the nations and the state, according to the letter

Watkins said the tribe and state officials talked after the letter was sent. A spokesperson for the Osage Nation said Hunter and Standing Bear have talked and will be meeting in person soon.

Standing Bear said the Osage Nation disagrees with the letter’s opinion about the tribe’s water regulations.

“It is of no consequence to us,” Standing Bear said. “The Osage Nation has issued a valid permit to the Osage Nation Gaming Enterprise, which is located on the Nation’s land, and the water that is authorized to take will be used pursuant to that permit.”

The Osage Nation, Standing Bear said, maintains a robust and federally recognized sovereign authority over its lands and resources. The Osage Nation long pre-dates the State of Oklahoma and is not controlled by the state or its attorney general.

“What really puzzles me about the letter is Attorney General Hunter’s decision to communicate with me through an out-of-state law firm. He should feel free to pick up the telephone and give me a call. I’m not hard to reach,” Standing Bear said.

Standing Bear said the Osage believe the United States Congress protected the Osage mineral estate by federal law in 1906 and no amendments ever changed the status. The Osage believe water also is protected because it is often essential to the production of oil.

“We believe that this is our water, and we will defend our property,” Standing Bear said.

Standing Bear said the letter shows the attorney general recognizes Oklahoma must reckon with the Osage Nation, and wants to begin discussions with the Nation.

“We are willing to speak with Oklahoma on a government-to-government basis. Attorney letters like the one we received are unnecessary and unhelpful,” Standing Bear said.

The Osage Nation purchased its land, comprised of 1.5 million acres, in 1872, using its own money. Although the Osage Nation possesses water and mineral rights, its goal is to seek collaborative solutions with its neighbors, Standing Bear said.

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